

Abstract

Thesis title: Purchase Agreement on Transfer of Ownership Right to Real Property

This thesis deals with the issues related to the transfer of ownership right to a real property by the means of a purchase agreement. The topic of this thesis has been chosen mainly for the reason that the purchase agreement is the main type of contract used, in most of the cases, to meet the housing needs of people.

The aim of this thesis is to set out the basic aspects of the above-mentioned legal institute and primarily to identify the problematic situations that may arise during a real property transaction on the basis of the purchase agreement, in terms of applicable legislation.

The thesis is structured into sections and is formed by the introduction, six separate sections and the conclusion. The first section is devoted to a brief description of history of purchase agreement and contractual transfer of real property, which is subsequently followed by a summary of applicable legislation regarding the purchase agreement. Section two is concerned with the definition of real property as a legal term and is further divided into subsections, where the specific aspects of individual types of real property, i. e. plot of land, construction, right to build, and unit, are described. The third section describes the two phases of real property transfer on the basis of a purchase agreement. Furthermore, in various subsections there is certain space devoted to the issues of to which point the buyer acquires ownership of real property and to which point the risk of damage to real property is passed on to the buyer. In connection with the above, the legal nature of withdrawal from the purchase agreement on the transfer of ownership of real property and especially the legal consequences of such withdrawal are also discussed in a separate subsection. The fourth section describes the essentials of a purchase agreement on the transfer of real property with the emphasis on the essential content requirements and formal requisites. The fifth section is concerned with defects of real property and it is divided into two

subsections with the factual defects and legal defects each described separately. The sixth section is focused on the legal regulation of possible acquisition of real property from non-owner that, with effect from 1 January 2014, has undergone major changes, mainly in connection with the introduction of full material publicity of public directories. In relation to this topic, there is also certain space dedicated to the means by which the authorized persons can protect their property rights to real property. In the conclusion of this thesis, the author briefly summarizes the issues described in detail in the individual sections as well as her findings.